INVESTIGATIVE SUMMARY

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The summary of this incident is based upon reports, memos, and taped interviews contained in this packet. This summary is preliminary and contains interviews by Homicide investigators of Deputies Edward Sudec[redacted], Wayne Stricklin[redacted] Michael Burse[redacted] Darrin Walker [redacted] and Mark Brown [redacted] the shooters in this incident.

On Sunday, August 13, 1995, at 2355 hours, Internal Affairs Bureau Sergeants Cecil Rhambo and Lamar Bleavins responded to Charter Oak Park, 20261 Covina Boulevard, in the unincorporated County area of Covina. Internal Affairs investigators arrived at approximately 0100 hours and contacted Homicide Investigators Sergeant John Laurie and Investigator Steve Davis, who were in charge of the investigation and prepared a Homicide Officer Involved Shooting Investigative Case under file #095-12482-2971-055 (Exhibit A). Internal Affairs Bureau Lieutenant Ronald Tardiff, Homicide Lieutenant William Sieber, Duty Commander Luis Najera and Duty Captain Beth Dickinson also responded to the location.

At approximately 2249 hours on August 13, 1995, Walnut Unit 296, Deputies Mark Stephens [redacted] and Edward Sudec[redacted], received a call of, "Shots fired, man down in Charter Oak Park. When the deputies arrived they saw suspect Michael Nides, MH/25, lying on the grass, north of the and playground area. As they contacted Nides they discovered that he was armed with a handgun.

IAB Note: The initial call of an illegal shooting was phoned in as a 911 call at 2240 hours. At 2243 hours a second call was received advising that shots were fired in Charter Oak Park. At 2249 hours Unit 296 was assigned the call after Unit 296B, Deputies M. Brown and M. Conrad-Burns, advised that they were unable to handle the call. Unit 296 arrived at the park at 2250 hours and they requested assistance at 2253.30 hours.

Both Deputies retreated for cover, called for assistance, and began telling the suspect to drop the gun. Multiple assisting units arrived over a period of 5-8 minutes, including; Field Sergeant Brad Wright[redacted] Deputies Christopher Stokes [redacted] Enrique Varela [redacted] Wayne Stricklin [redacted], Mark Brown[redacted] Darren Walker [redacted], Michael Burse[redacted] Michael White [redacted] Margie Conrad-Burns [redacted] Detective Edward Looney [redacted] and Covina Police Officers [redacted] and [redacted]

IAB Note: The Covina officers statements were substantially the same as the involved deputies (Exhibit A, pgs. 45-47).

The suspect was told for several minutes to put down his weapon. At one point, the suspect began to point the weapon at the deputies and, according to several of the sworn witnesses, fired one shot at the deputies. Deputies Stricklin, Sudec, Brown, Burse, and Walker, immediately returned fire and the suspect went down.

A few second later, the suspect began to get up or was still trying to raise his gun to fire a shot. Deputies Sudec, and Brown then fired at the suspect again. The suspect went down again and expired from his wounds.

IAB Note: A Gunshot Residue Analysis of Nides' hands were positive for residue on both hands (Exhibit A, pg. 103). Addtionally, Nides was armed with a Davis Industries .32 calibre semi-automatic pistol with a ammo capacity of six rounds plus one in the chamber. The recovered weapon was submitted with five live rounds of .32 A.C.P. ammo (Exhibit A, pg. 94).

Numerous civilian witness corroborate that the deputies gave the suspect repeated orders to drop the gun and give himself up before the shooting occurred (refer to interviews in Exhibit A, pgs. 38-45, 60-69, and 90-92).

At approximately 0625 hours on August 14, 1995, Deputy Mark R. Stephens # [redacted] was interviewed by Homicide Investigator Robert Havercroft # [redacted]. Deputy Stephens stated that he was assigned to Walnut Unit 296, E.M.'s with Deputy Edward Sudec # [redacted]. He said that he was the bookman and that Deputy Sudec was the driver of the unit.

Deputy Stephens stated that at approximately 2249 hours, they received a radio call of "shots fired in Charter Oak Park." He stated that they responded to the park in approximately two minutes and entered the eastern portion of the park from Covina Boulevard. Deputy Stephens said that they drove the radio car to the northeast corner of the park office which is adjacent to the east perimeter of the park.

Deputy Stephens said that he and his partner exited their radio car and walked in a northwesterly direction, toward the basketball courts, through the park looking for the source of the fired shots. He stated that he was walking slightly north of his partner (Sudec) when moments later, he saw the suspect lying on the grass near the center of the park.

IAB Note: The suspect was later identified as Michael Nides MH/25.

Deputy Stephens stated that Nides was lying on his left side, to the west of a tree, with his right arm and hand hidden behind his buttocks area. Deputy Stephens said that he thought that the Nides may be armed. Deputy Stephens stated that he pointed his gun at Nides and yelled for him to show his hands. He stated that Nides made an unintelligible response and appeared to be very intoxicated.

IAB Note: Nides' toxicology report from the Coroner's Office indicated that he had Cocaine, Alcohol, and Methamphetamine present in his system at the time of death.

Deputy Stephens stated that at the same time he ordered Nides to show his hands, Deputy Sudec yelled to him (Stephens) that Nides was "definitely 417" behind his back.

Deputy Stephens stated that he retreated for cover behind the trees in an easterly direction and requested assistance. Deputy Stephens stated that he broadcast via SCC that he and his partner were "detaining a 417 suspect who was highly uncooperative". Deputy Stephens stated that he then decided to move further south, to gain a better view of the suspect. He stated that he moved four trees south and was positioned so that he could look directly at the suspect. He stated that he was looking from east to west. Deputy Stephens estimated that he was approximately 75-100 feet from the suspect. He said that he continually ordered the suspect to put his gun down "so we can all go home".

Deputy Stephens stated that when sufficient units arrived (approximately 5) he was relieved from his position and he joined his partner Deputy Sudec.

Deputy Stephens stated that he rejoined his partner, who was near the assisting units, and asked if a stun bag gun was available. He stated that at that time, none of the on-scene units had the stun bag gun available.

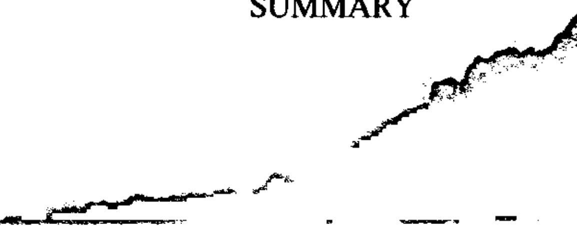
Deputy Stephens stated that Nides was ordered numerous times to drop his weapon but he refused. He stated that at one point he was almost begging for the suspect to put the gun down. He stated that he and his partner designated specific deputies as a "shooting team" and told them to be in position in case the situation deteriorated. Deputy Stephens stated that Deputies Sudec, Walker, and Brown were the designated shooters.

Deputy Stephens estimated that he was in the park approximately 15 minutes before the shooting occurred. He said that Nides moved his right leg to a "V" position and brought his right hand up from behind his body with a gun in his right hand. Deputy Stephens stated that he heard a gun shot and saw a muzzle flash. Deputy Stephens stated that he believed the suspect's bullet went into the grass a few feet in front of him (suspect). He stated that it appeared that the suspect fired too soon. Deputy Stephens stated that the suspect's weapon was pointed in a southerly direction toward Deputy Chris Stokes.

IAB Note: Homicide and Crime Lab investigators did not find an expended .32 calibre casing in the area where the suspect's body was lying.

Deputy Stephens stated that immediately after the gunshot, deputies returned fire and he saw the suspect go down and drop his gun along his side. He stated that when he saw the suspect go down, he yelled "cease fire". Deputy Stephens stated that the deputies stopped firing at that time. Deputy Stephens stated that Sergeant Brad Wright, Deputy Sudec, and Deputy Christopher Stokes approached the suspect. He said that Sergeant Wright kicked the gun from the suspect. He stated that the suspect was injured and he requested paramedics.

Deputy Stephens stated that he did not notice the Field Sergeant Brad Wright at the scene until after the "998" was broadcast. He stated that he knew that Sergeant Wright had responded to the assistance call from Walnut Station, which was some distance from the park.



Deputy Stephens stated that he tried everything he could to get the suspect to drop his weapon. He stated, "The last thing I wanted to see happen was that thing go 998". He stated that he did not fire his weapon.

On August 14, 1995, Deputy Edward Sudec was interviewed by Homicide Investigators Steve Davis and Sergeant John Laurie at Walnut Sheriff's Station.

Deputy Sudec stated that on the evening of August 13, 1995, he was assigned to Walnut Unit 296 Early Mornings, [redacted] hours. Deputy Sudec stated that this unit covers the unincorporated areas of Covina, Glendora, and Azusa. Deputy Sudec said that his partner that evening was Deputy Mark Stephens.

IAB Note: Deputy Sudec's log reflects August 14, 1995, however, his shift for that date began at 2200 hours on August 13th.

Deputy Sudec stated that he was dressed in a complete Class A uniform with his vest, including his full Sam Browne, his Beretta 9mm pistol, and pepper spray.

Deputy Sudec stated that he and Deputy Stephens were responding to a [redacted] when they heard a "shots fired" call at Charter Oak Park. He said that he was the driver of his unit and that they were approximately 30 seconds to one minute away from the park when the call came out. Deputy Sudec stated that Deputy Stephens suggested that they go by the park since they were close by. Deputy Sudec said that they broadcast to SCC that they were responding to the park with a short "ETA".

Deputy Sudec stated that the call was updated to "man down" in the park and he asked SCC if they could respond Code 3 with a 30 second ETA. He stated that a Code 3 response was not authorized and they continued to the call. Deputy Sudec stated that as he arrived at the park he scanned the park and decided to enter the park from the east. He said that they entered the park and drove north, adjacent to a building and stopped the radio car at an angle where they could see the entire park, including the basketball courts. Deputy Sudec stated that he and his partner were very familiar with the area and the park because they have worked in the area for the past two years.

Deputy Sudec stated that they illuminated the park with their spotlights and did not see anyone in the park. He stated that he and his partner decided to exit the radio car to look for the "man down". Deputy Sudec said that his partner took a northern route, north of the sand area and he took a southern route along the office area, in-between the sand area. He said that he illuminated the area for brief periods of time and searched for a person and when neither he nor his partner saw anyone, he contacted his desk on L-Tac and requested an informant. He asked his desk to ask the informant where the person was seen in the park. Deputy Sudec stated at that time, Deputy Stephens told him that he could see a man lying by a tree in the park.

Deputy Sudec stated that Deputy Stephens illuminated the man with his flashlight and he (Deputy Sudec) continued to walk in a westerly direction, from the south, toward the man. He said that the suspect was lying on his left side, propped up on his left elbow, with his right hand out of view, hidden behind his right knee.

Deputy Sudec stated that Deputy Stephens was talking to the suspect from approximately 20 yards. Deputy Sudec said that he continued walking toward the suspect and he arrived at a point west of the tree, near the suspect, and told the suspect that he wanted to see his hands. Deputy Sudec stated that the suspect looked at him and stated that he had a loaded gun. Deputy Sudec said the suspect had a blank stare on his face. Deputy Sudec stated that he and his partner told the suspect that they were Sheriff's Deputies.

Deputy Sudec said that he told Deputy Stephens that the suspect was armed with a gun and he and his partner began to slowly retreat to cover. Deputy Sudec said that he took cover behind a tree that was directly south of the suspect and Deputy Stephens took cover behind a tree just north of the sand area.

IAB Note: There are two sand play areas in the park, refer to Exhibit A.

Deputy Sudec stated that Deputy Stephens broadcast emergent (10-33) radio traffic and he (Deputy Sudec) tried to talk to the suspect by telling him to put the gun down, asking his name, and other conversation to gain the suspect's cooperation. Deputy Sudec stated that the suspect mumbled something but he could not understand what he was saying. Deputy Sudec stated that he did not know how long he spoke with the suspect because he was also requesting back-up and an air unit for lighting, because the park was very dark.

Deputy Sudec stated that the first units began to arrive from the west side of the park. He said that he believed that Deputy Stokes was the first unit to arrive. Deputy Sudec said that he directed Deputy Stokes to a position to illuminate the suspect and Deputy Stokes parked his radio car on the left side of Deputy Sudec.

Deputy Sudec stated that he and the other deputies continued to tell the suspect to put the gun down and to show his hands. He said that the suspect still had a blank stare on his face. Deputy Sudec said that he may have told Deputy Stephens that the suspect was "390" (drunk) or under the influence, and Deputy Stephens may have broadcast that information over the radio.

Deputy Sudec said that another unit arrived from the west, which he believed was Deputy Walker. He said he told Deputy Walker to drive his radio car up to his (Sudec's) left to add more illumination on the suspect. Deputy Sudec stated that when the suspect was illuminated by the two radio cars, he could now clearly see him. Deputy Sudec stated that additional units arrived from the east and Deputy Stephens gave them directions where to go in the park.

Deputy Sudec stated that at this point, he had not seen a gun but, when he initially backed away from the suspect he could see the top of an object in the suspect's right hand, but he could not tell what the object was.

Deputy Sudec said that in their initial broadcast after the suspect told them that he was armed, he (Sudec) thought that Deputy Stephens told the assisting units that the suspect was armed with a 9mm pistol.

Deputy Sudec said that he thought that the object in the suspect's hand was a gun due to the earlier call of; "Two shots fired in the park", the suspect telling him that he had a gun, and the way that the suspect stared at him.

Deputy Sudec stated that the suspect continued laying on his left side and at one point the suspect moved his right leg and moved his right hand in a downward motion, at which time he clearly saw a gun in his right hand. Deputy Sudec stated that he noticed that the gun was chrome plated but he could not tell what type of gun it was.

Deputy Sudec stated that he re-advised the other deputies that the suspect had a gun (was "417.") and he told his partner, Deputy Stephens to come over to his position. Deputy Sudec stated that he then backed off the tree and took cover behind a vehicle that was parked to his right. Deputy Sudec said that he told Deputy Stephens that they need designated shooters in case the need arose. He stated that he did not want all of the deputies at the scene to shoot. He said that Deputies Walker and Stephens agreed with him.

Deputy Sudec stated that he did not know if the Field Sergeant was on the scene at that time, but he saw a sergeant after he designated Deputies Walker, Knight, and himself as shooters.
Deputy Sudec stated that he asked over the radio for a deputy armed with a shotgun to be available, but he did not know if any of the deputies heard his request. He said that he thought that he told the deputies two or three times who the designated shooters were and he received acknowledgement from Deputy Stokes, Walker, Knight, and an unknown deputy who was to his (Sudec's) right.

Deputy Sudec stated that he believed that Deputy Stephens requested a unit with the Stun Bag rounds and a K-9 Unit so they could have everything possible available for deployment. He stated that he heard acknowledgement that a Stun Bag Unit was responding. He said that the Field Sergeant announced that he was responding. Deputy Sudec stated that the other deputies continued to order the suspect to drop the gun.

Deputy Sudec said that the suspect began to move around more. He said that the suspect moved his baseball cap back with his left hand. Deputy Sudec stated that the suspect, at one point, pushed with his left hand to get into a sitting position and he saw his right hand come up over his right leg and the gun was pointing in a southwest direction and was starting to come in front of his body.

Deputy Sudec said that he had placed Deputies Stokes and Walker in the area that the suspect was beginning to point his weapon.

Deputy Sudec stated that he became afraid at that time because he thought that the suspect was about to shoot at the deputies. He stated that he heard a gun shot and thought that he saw a muzzle flash from the suspect's gun. Deputy Sudec stated that he heard an immediate gunshot from an area to his right. He said that he then fired a two shot burst at the suspect. He stated that he heard several other rounds, possibly 10-12, coming from his right and left.

Deputy Sudec stated that after the shots were fired, the suspect came up to an upright position and began to fall backwards. He said as the suspect began to fall backwards, the suspect's gun began to come back around to the front of him, pointing in a south-southwest direction at the deputies. Deputy Sudec stated that he shot once more and, he believed that several additional rounds were fired again.

Deputy Sudec said that the suspect then fell back and he saw the gun fall out of his hand. He said that the suspect's right hand remained in an upright position. Deputy Sudec stated that he ordered everyone to hold their fire because he noted that the suspect had stopped moving and the gun had fallen out of his hand. He stated that no additional rounds were fired at that time.

Deputy Sudec said that at this time, he, Sergeant Wright, and Deputies Stokes, approached the suspect and assessed the situation. He said that they approached the suspect from the west and saw the gun laying one to one and a half feet from the suspect's right hand. Deputy Sudec said that he believed that Sergeant Wright moved the gun away from the suspect. He said that Deputy Stokes placed his field notebook over the area where the gun was found. Deputy Sudec then advised the assisting deputies that the situation was "Code 4" (OK, Clear) and walked around the suspect's body to ensure that there were no additional weapons.

Deputy Sudec stated that he told Deputy Stephens to call for rescue and he saw that the suspect appeared to be dead. He stated that he retreated back to his radio car and advised that he had just been involved in a shooting and requested that the deputies who shot come to his position for reporting purposes.

On August 14, 1995, at 0730 hours, Homicide investigators Havercroft and Riggs interviewed Deputy Christopher Stokes #[redacted] at Walnut Sheriff's Station. The interview was tape recorded.

Deputy Stokes stated that on August 13, 1995, he was assigned to the E.M. shift, [redacted] hours. He stated that he heard the call for assistance at Charter Oak Park at approximately 2249 hours and arrived at the park approximately three or four minutes later.

Deputy Stokes stated that he was the first assisting unit at the park and he drove north into the park from Covina Boulevard, through the parking lot, and onto the grass.

Deputy Stokes stated that he saw Deputies Stephens and Sudec to the east, using trees as cover as they pointed their guns at a suspect who was lying on the ground. He stated that he drove closer to their position with his high beam lights and his left spot lamp on.

Deputy Stokes stated that he stopped approximately 55 feet south of the suspect. He said that he exited his radio car armed with a shotgun. He said that the suspect was lying on his left side with his head to the north and his feet to the south, adding that the suspect propped up his upper body with his left elbow, and his right arm was parallel with his body along his right side. Deputy Stokes stated that shortly after he arrived, numerous other units arrived in the park, taking up positions to his right or east of his position.

Deputy Stokes stated that after the other units arrived, Deputy Sudec designated several deputies as "shooters". He stated that he was not a designated shooter. Deputy Stokes stated that during this time, deputies were telling the suspect to drop his gun.

Deputy Stokes stated that he did not hear the suspect respond to the deputies and the suspect appeared to be in a daze. He said that the deputies repeatedly asked the suspect to drop his gun. Deputy Stokes stated that as the deputies were yelling for the suspect to drop his gun, Sergeant Wright came next to his (Stokes) vehicle armed with the Arwen. He stated that at that point the suspect rubbed his face and adjusted his baseball cap with his left hand, adding that the suspect still had a dazed look on his face. Deputy Stokes stated that the deputies continued telling the suspect to drop his gun and the suspect shook his head from left to right in a negative response. He stated that he then saw the suspect's right hand come up from behind his right leg, saw what appeared to be a muzzle flash, and heard a gunshot. Deputy Stokes stated that he was crouched down a bit behind his car door but he could see a glimpse of a gun in the suspect's hand at that point.

Deputy Stokes stated that he was at the park for at least 5-6 minutes before the shooting.
He stated that when the suspect shot, the deputies returned fire almost instantly. Deputy Stokes stated that he heard approximately 9-10 shots. He stated that he only heard and saw the suspect fire one round.

Deputy Stokes stated that the suspect fell back onto his back when the deputies returned fire.
He stated that a ballistic shield was not available so he approached the suspect accompanied by Sergeant Wright and Deputy Stephens. He stated that as they approached he could see the suspect's left hand was underneath his shirt and his right hand was lying along his right leg. He stated that Sergeant Wright kicked the suspect's right hand which caused the suspect's hand to turn over, exposing a gun. He stated that Sergeant Wright then kicked the gun away. Deputy Stokes stated that the suspect's eyes were open but he was not breathing.

Deputy Stokes stated that he did not fire his gun during the shooting.

On August 14, 1995, Homicide Investigator Steve Davis and Sergeant John Laurie interviewed Deputy Mark Brown at Walnut Sheriff's Station. Deputy Brown's statements were not compelled and his interview was tape recorded.

Deputy Brown stated that on August 13, 1995, he was assigned to the PM shift, Unit 296B with his partner Deputy Marjorie Conrad-Burns. Deputy Brown stated that he and his partner had just completed their shift and had logged off when a call for assistance when out. Deputy Brown stated that he did not know where his partner was when the call came out. Deputy Brown stated that the call was; "Man with a gun in the park".

Deputy Brown stated that although his shift was over he was still in full Class A uniform when the call was broadcast. He stated that his Sam Browne Belt had his duty weapon, magazines, pepper spray, baton, and two sets of cuffs. Deputy Brown said that he had put his radio and shotgun away a few moments before the call for assistance was broadcast.

Deputy Brown stated that when the call came out he got into a radio car, as the driver and he recalled that Deputy John Knight was in the back seat but he could not recall who his front passenger was. Deputy Brown stated that he and his passengers responded with two additional units from the station. Deputy Brown stated that he and the two other responding units "leap-frogged" up Grand Avenue to the location.

Deputy Brown Stated that the call had been up-dated several times from the initiation of the first call for service. Deputy Brown said that the call was later up-dated as, "Man down in the park" but the call had not reached priority status at that time.

Deputy Brown stated that he entered the park through the east driveway and saw a couple of Covina Units in the park. He stated that he recalled radio traffic stating that the units were west of the basketball courts so he came into the park from the southeast, east of the maintenance building. Deputy Brown stated that there was at least two other radio cars at the scene at the time. He stated that he exited his radio car and realized that the scene was approximately 50-75 yards away.

Deputy Brown said that all of the deputies in his unit exited from the radio car and he stated that they all noted that they were a considerable distance from the suspect. Deputy Brown stated that they jogged up and he took a position to the right of Deputy Wayne Stricklin, who was using the passenger's door of his (Stricklin's) Mountain vehicle as cover. Deputy Brown stated that he saw that the suspect was in somewhat of a "reclined" position behind a small knoll. He stated that he could see his entire body down to his shins. He stated that the suspect appeared to be lying on his left hip with his right hand behind his right leg. Deputy Brown stated that he could see part of his arm.

Deputy Brown stated that the suspect was reclined, lying down, on his left elbow. He stated that the deputies were yelling at him to put the gun down and put his hands up, but the suspect ignored them. Deputy Brown stated that the while the deputies were yelling commands at the suspect, he asked Deputy Stricklin if he could use the shotgun that was secured in the Mountain vehicle.

Deputy Brown stated that he told Deputy Stricklin that he would be more comfortable with the shotgun than with his Beretta. He stated that Deputy Varela retrieved the shotgun from the truck and gave it to him. Deputy Brown stated that he chambered a round into the shotgun and took a position of cover to the right of Deputy Stricklin.

Deputy Brown stated that the deputies continued to yell at the suspect, "Drop the gun" and "Show me your hands". He stated that he overheard a K-9 unit being requested and he heard a Sheriff's K-9 Sergeant state over the radio that he would not respond to the scene.

Deputy Brown stated that he did not see a gun in the suspect's hand and that he never saw a gun. He stated that the suspect continued to ignore the deputies commands for him to drop the gun or show his hands. Deputy Brown stated that he saw the suspect prop up onto his left hand, straightening his upper body, and maintained that position for a couple of moments. He stated that the suspect appeared to be focusing more attention on the deputies that were to his (Brown's) left. Deputy Brown stated that he was under the impression that the suspect was trying to see past the spotlights.

Deputy Brown stated that, at that point, someone shouted for two or three designated shooters but he did not remember who the designated shooters were and added that he was not designated to shoot. He stated that a short time after the announcement for designated shooters, he saw the suspect begin to raise his right arm an he could see the suspect's elbow and shoulder move slightly forward. Deputy Brown stated that he yelled, "Watch his hands, watch his hands, he's moving his hands." He stated that Deputy Stricklin repeated these statements.

Deputy Brown stated that he saw the suspect slowly begin to raise his right arm in the direction of the deputies south of him (the suspect). Deputy Brown stated that as the suspect raised his hand, he fired the shotgun. Deputy Brown stated that he fired because he was afraid that the suspect was going to fire upon the deputies. Deputy Brown stated that he shot before the suspect was able to raise his hand high enough for him (Brown) to see a gun.

Deputy Brown stated that he fired all four of his shotgun rounds and the suspect did not go down. He stated that the other deputies stopped shooting about the same time he emptied his shotgun. Deputy Brown stated that he threw down the shotgun and drew his pistol. Deputy Brown stated that he heard someone say, "hold your fire, hold your fire".

IAB Note: According to the autopsy the suspect was struck with twenty five #4 buck shot pellets on the left side of his head, arm, torso and legs. The suspect was also struck with two 9 mm rounds. One round was through and through his neck and left shoulder and the other round penetrated his left abdomen and travelled through the abdomen and came to rest in his right flank. This round was fired from Deputy Stricklin's Beretta.

Deputy Brown stated that he saw the suspect lift his head, in what appeared to be an effort to see towards the south, and began to lift his arm. Deputy Brown stated that he thought the suspect was preparing to fire in a southerly direction towards the deputies. He stated that he then fired three additional rounds from his pistol and at this point the suspect relaxed completely, his head dropped back and his shoulders slumped. Deputy Brown stated that he saw two of his rounds clearly miss the suspect and he thought that he may have struck the suspect once. Deputy Brown stated that he heard someone repeat, "hold your fire, hold your fire". Deputy Brown stated that he did not see a gun in the suspect's hand when he fired a second time, but he fired because the suspect's movements were consistent with someone raising a gun to fire.

Deputy Brown stated at that point they maintained a coverage on the suspect while the sergeant and a couple of deputies walked up to the suspect using a ballistic shield. He stated that he did not know which deputies approached. He stated that he saw someone kick the gun away and a few moments later he heard a call for paramedics.

On August 14, 1995, at 0527 hours, Homicide investigators Sergeant John Laurie and Investigator Steve Davis interviewed Deputy Michael Burse at Walnut Sheriff's Station. The interview was tape recorded.

IAB Note: The Homicide supplemental report misspells Deputy Burse's name as "Burns".

Deputy Burse stated that on the night of August 13, 1995, he was assigned to the Diamond Bar area. He stated that when the call was dispatched at Charter Oak Park, he was parked next to Detective Edward Looney.

Deputy Burse stated that he heard a unit get the assignment of the call and a few minutes later, he heard a unit put out a request for assistance because they were detaining a man with a gun in the park. He stated that he began to drive toward the park anticipating that the situation would be "Code 4" before he arrived there.

Deputy Burse stated that he had an eight minute estimated time of arrival and heard other units give five minute ETA's. He stated that he continued to the park and when he arrived there, he drove into the west entrance of the park behind two or three Covina Police Department radio cars. He said that the Covina Officers were standing outside of their vehicles taking cover behind some trash bins.

Deputy Burse stated that he exited his vehicle and walked 100-200 feet into the park. He said that when he arrived in the area where the other deputies were, he could see a suspect sitting on the grass near the south edge of the basketball court. Deputy Burse stated that the suspect was on a slope of grass, near a grass mound. He stated that the suspect was wearing a hat, blue jeans, and a shirt.

Deputy Burse stated that the suspect was lying on the ground and it appeared as though the suspect was looking back and forth at the deputies and radio cars.

Deputy Burse stated that he was approximately 30-40 feet away from the suspect and it appeared that the suspect was attempting to make eye contact with the deputies.

Deputy Burse stated that Deputy Sudec told him that the suspect had just announced that he had a loaded gun in his hand. Deputy Burse stated that he could not see the suspect's right hand, which was near the ground behind his right knee. He stated that he felt vulnerable in the position that he was in, so he took cover behind the door of a radio car where he also saw Deputy Darrin Walker.

Deputy Burse stated that he could see the suspect reclining on his back with his feet out in front of him. He said that Deputy Walker was ordering the suspect to put the gun down and to put up his hands. Deputy Burse stated that the suspect looked directly at them and shook his head back and forth. He said that the suspect then took his left hand and made a waiving motion, as if he was trying to communicate, "Get away from me."

Deputy Burse stated that the suspect was slowly looking at the deputies and it appeared to him (Burse) that the suspect was alert and intense. Deputy Burse stated that he saw the suspect's gun come from behind the suspect's right knee and he saw the suspect slide the gun over his right knee and looked as if he was going to raise the gun and shoot him.

Deputy Burse stated that he thought that he was going to be shot but he did not shoot immediately. He stated that he focused on the gun and felt his entire body slow down. He stated that he was almost positive that he saw the suspect's hand jerk like he fired a gunshot. He stated that he (Burse) fired two shots at the suspect. He stated that he heard several other shots being fired from the other deputies as he was firing.

Deputy Burse stated that he saw the suspect appear to slump down on the ground and it looked like he had been hit. He said that a second or two passed and he saw the suspect begin to get up again. Deputy Burse stated that he re-sighted on the suspect and he heard other shots. He said the first volley of shots included approximately eight rounds and the second volley included approximately five to six shots.

Deputy Burse stated that after the shots were fired, Deputy Stephens or Deputy Sudec chose two deputies to approach the suspect and disarm him.

IAB Note: According to an analysis of Deputy Burse's Beretta, he fired two rounds from his weapon. The only 9 mm round recovered from the suspect during the autopsy was not Deputy Burse's.

On August 14, 1995, at 0759 hours, Homicide investigators Havercroft and Riggs interviewed Sergeant Brad Wright. Sergeant Wright stated that he was working the E.M. shift on August 13, 1995, from [redacted] hours. He said that he was assigned as the Field Supervisor in Unit 290S.

Sergeant Wright stated that he was in Walnut Station parking lot preparing his radio car for the shift when he heard a call come over the radio, "Shots fired at Charter Oak Park". He stated that soon after the initial call, additional information was broadcast that there was a "person down west of the basketball courts." Sergeant Wright stated that it was his understanding at that point that the information was being put out by a citizen informant. He said that the call was broadcast at approximately 2248 hours.

Sergeant Wright stated that he estimated approximately two minutes elapsed between the time the call was dispatched and the time the handling unit broadcast a call for emergency assistance due to their detention of an armed suspect.

Sergeant Wright stated that he responded to the request for assistance and arrived at Charter Oak Park within three minutes. He stated that he entered the park from Covina Boulevard into the southern parking lot, up onto the grass and into the park. Sergeant Wright stated that he stopped five to seven car lengths behind several radio cars that were in a, somewhat, half-circle south of the suspect. He stated that the other radio cars in the park were all to his right or east of his position.

Sergeant Wright stated that his unit was equipped with an ARWEN and a Taser. He said that he recalled hearing the handling unit request a K-9 Unit and an Aero Unit to the park. He stated that the K-9 unit was extremely argumentive with the requesting units and debated about policy and did not respond to the park.

Sergeant Wright stated that he was standing at the passenger door of Deputy Stokes' radio car (marked as vehicle "E" in Exhibit A), when he was approached by Deputy Stephens who told him that they had designated several deputies as shooters if the need arose. Sergeant Wright stated that he could only see the suspect's head because there was a "berm" or mound partially concealing the rest of the suspect.

Sergeant Wright stated that he did not initially bring out any of his special equipment (Arwen and Taser) but after he assessed the situation, established that a level of containment was in place, designated shooters had been identified, and there was a six foot block wall to the west, he went back to his radio car and retrieved the Arwen and loaded it to full capacity. Sergeant Wright stated that he went back to Deputy Stokes' (vehicle E) and pointed the weapon at the suspect.

Sergeant Wright stated that he could only see the suspect's head and baseball cap. He stated that the policy concerning the Arwen prohibited him from firing at the suspects head intentionally unless it was a life-threatening situation. He stated that the situation was not, at that point, life-threatening.

Sergeant Wright said that he also had not extended the telescoping stock on the weapon, which made it difficult for him to fire the gun accurately. He stated that he retreated to the rear of Stokes' vehicle and was in the process of pulling the stock out when he heard a series of muffled shots ring out for a period of 3-5 seconds.

Sergeant Wright stated that he dropped the Arwen and ran back to the door of the Stokes' radio car to assess what occurred. He stated that after the initial series of shots he heard a couple of additional shots. He said that he then gave the order to cease fire.

Sergeant Wright stated that he did not see the suspect moving behind the berm and he approached the suspect accompanied by Deputies Sudec, and Stokes. He stated that when they got to the suspect he saw a gun in the suspect's right hand. He stated that he kicked the gun away with his right foot. Sergeant Wright stated the he illuminated the suspect with his flashlight to check his vital signs and he could see that the suspect's eyes were wide open and non-reactive to light. He stated that based on his observations, the suspect appeared to be deceased.

Sergeant Wright stated that prior to the shooting, he heard the deputies continually tell the suspect to drop his gun. He said that he did not hear any response from the suspect at any time.
On August 14, 1995, at 0710 hours, Homicide Investigators Joseph Martinez and Richard Graves interviewed Deputy Enrique Varela at Walnut Sheriff's Station. The interview was tape recorded.

Deputy Varela stated that on August 13, 1995 he was working San Dimas Station as the mountain car, Unit 298D. He stated that he was on the P. M. shift. Deputy Varela stated that his patrol vehicle was a four wheel drive utility vehicle.

Deputy Varela stated that he was inside San Dimas Station when he heard "10-33" radio traffic from Unit 296. He stated that he alerted his partner, Deputy Wayne Stricklin, and they both entered their unit and drove to Charter Oak Park. He stated that Deputy Stricklin was the driver of their unit and he was the bookman. He stated that he was not sure what time the call was broadcast, but stated that it may have been before 2300 hours.

Deputy Varela stated that once they arrived at the park they could not initially see the units or the suspect because the park was dark. He stated that they drove northbound onto the grass from the east side of the park. He stated that they stopped just past the bathrooms and got out of their unit and looked for the deputies. Deputy Varela stated that they saw the deputies and some outlines to the west and north of their position. He stated that he told his partner to drive the truck in that direction and he (Varela) followed on foot. Deputy Varela stated that one or two units arrived ahead of his unit but they entered the park from a different driveway.

Deputy Varela stated that he saw the suspect as the headlights of his unit illuminated the area that the suspect was in. He stated that the suspect appeared to be lying on the grass in a semi-reclining position on his left arm. He stated that his legs were extending west and his head was looking south. He said that the suspect's right arm and hand was completely out of view. Deputy Varela stated that he did not approach the suspect because they heard the handling deputies broadcast that the suspect was "definitely" armed with a handgun.

Deputy Varela stated that he heard Deputy Sudec yelling several times telling the suspect to put his gun down. He stated that Deputy Stephens also told the suspect to put the gun down. Deputy Varela stated that when the suspect would not respond to the commands, Deputy Stephens tried to reason with the suspect by telling him to "put the gun down so they could all go home." Deputy Varela stated that the suspect would turn his head in the direction of each deputy that spoke to him.

Deputy Varela stated that their vehicle was parked approximately 40-50 feet west of the suspect. He stated that none of the deputies approached the suspect closer than the open doors of his (Varela) vehicle.

IAB Note: Deputy Varela was actually parked to the east of the suspect.

Deputy Varela stated that as he and Deputy Stricklin approached their position in the park, he overheard a deputy request a stun-bag shotgun, which was in unit 280. He stated that he ran around Deputies Stephens and Sudec in an attempt to find unit 280. He said that he was unable to find this particular unit and returned to his patrol vehicle. Deputy Varela stated that when he returned to his vehicle he took a position behind the driver's door.

Deputy Varela stated that Deputy Mark Brown came up to the mountain unit and took a position next to Deputy Stricklin, who had positioned himself behind the driver's door of the mountain unit. He stated that neither Deputy Stricklin nor Deputy Brown had a shotgun key and Deputy Stricklin asked him (Varela) to unlock the shotgun. Deputy Varela stated that he believed that Deputy Brown retrieved the shotgun and returned to his position behind the driver's door of the mountain unit with Deputy Stricklin.

Deputy Varela stated that from the time he arrived at the park until the shooting, he heard several deputies telling the suspect to drop his gun. He stated that the suspect did not respond verbally but he knew that the suspect heard the deputies because he turned his head in the direction of the deputies who were talking to him.

Deputy Varela stated that the suspect was illuminated very well by at least six radio car headlights and spotlights. He stated that he could only see the upper part of the suspect's torso because of a small knoll. Deputy Varela said that he never saw the suspect attempt to get up from the ground. He stated that he could clearly see the suspect's upper body and left arm and hand.

Deputy Varela stated that he was aware that a Sergeant had responded to the park but he did not know when the Sergeant arrived nor did he recall hearing the Sergeant during any of the radio transmissions at the scene.

Deputy Varela stated that the deputies attempted to verbally disarm the suspect for 5-10 minutes. He stated that it seemed like a long time, considering that the suspect could have used his gun to shoot at one or more of the deputies. He said he heard a deputy yell that the suspect was going to shoot.

Deputy Varela stated that he saw the suspect begin to move his right arm forward in a southern direction. He stated that at this time he heard several gunshots, and at least one shotgun round being fired.

Deputy Varela stated that he saw the suspect's gun on one occasion during the incident. He stated that after the first round of gun fire, he laid back down as if he had been hit. Deputy Varela stated that the suspect then began to move "right away" and actually got back up onto his elbow, bringing the gun in his right hand, up over his body and pointed it south at Deputies Stephens and Sudec.

Deputy Varela stated that he heard the suspect's gun fire. He stated that he did not see a muzzle flash from the suspect's gun because his view of the suspect's gun was partially hidden by a tree. He said that, at that time, several deputies began to return fire. Deputy Varela stated that he saw the suspect's gun hand move in an easterly direction and he took cover by diving into his vehicle's front seat until the shooting stopped.

Deputy Varela stated that he did not shoot because he did not have a good vantage point from his position, which was on the driver's side of the mountain vehicle. He stated that the deputies that did shoot were justified in their actions based upon the circumstances.

Deputy Varela was interviewed at Walnut Station on August 16, 1995 by Internal Affairs Bureau Investigator Sergeant Cecil Rhambo. Prior to the interview Deputy White was admonished of his Administrative Rights as a Sworn Witness. Deputy White stated that he understood his rights and signed the admonition form.

Deputy Varela's statements to Internal Affairs investigators were substantially the same as those he made to Homicide Bureau. However, Deputy Varela added that he believed Deputy Brown was the first deputy to fire at the suspect. He stated that Deputy Brown was standing the passenger's door of his (Varela) mountain vehicle, which was approximately 50 feet from the suspect. He stated that the suspect's right hand had not become visible to him (Varela) at the time Deputy Brown fired the shotgun. He said that the suspect's right shoulder and upper arm began to rotate forward, but the gun was not visible.

Deputy Varela stated that when the first few shots went off, the suspect went down quickly and came back up just as quickly. He stated that it appeared that the suspect could not believe that he had been hit. Deputy Varela stated that when the suspect came back up, he could clearly see the gun in the suspect's hand pointed directly south at Deputies Sudec and Stephens. Deputy Varela stated that he thought the suspect fired a round at the deputies at this point and added that the other deputies were now shooting at the suspect.

Deputy Varela told IAB investigators that all of these events were "instantaneous" and happened very quickly. He stated that the suspect continued to bring his arm around as if he had fired on the deputies to the south and was now beginning to point the gun at the deputies on the east side of the park. Deputy Varela stated that at that time, he took cover behind the dash of his patrol vehicle.

Deputy Varela stated that he heard a "cease fire" being yelled out. He stated that everyone waited for a "second or two", then he heard three or four rounds go towards the suspect from his right, which could have been fired from one or more of the deputies on the passenger side of his mountain vehicle. Deputy Varela added that the suspect's arm was still moving or "jerking" while these last shots were being fired.

On August 14, 1995, at 0737 hours, Deputy Wayne Stricklin was interviewed at Walnut Sheriff's Station by Homicide investigator steve Davis. The interview was tape recorded.

Deputy Stricklin stated that on August 13, 1995, he was assigned to unit 298D, a Mountain car with Deputy Enrique Varela. He stated that their hours were [redacted] Deputy Stricklin stated that the Mountain unit was equipped with an AR-15 rifle and a shotgun.

Deputy Stricklin's statements about his response to the park and what he saw when he and his partner arrived were substantially the same as Deputy Varela's. Deputy Stricklin stated that when Deputy Brown arrived at the park he took a position next to the mountain unit and armed himself with the mountain unit's shotgun.

Deputy Stricklin stated that he heard Deputy Walker yell at the suspect to drop his gun. He stated that the suspect shook his head and waved his hand in a motion, gesturing for the deputies to go away. Deputy Stricklin stated that he then saw the suspect move his right hand in an upward direction and extended manner. He stated he believed the suspect had a gun and was going to shoot at the deputies who were south of the suspect. Deputy Stricklin stated that he fired four times at the suspect form his Beretta. He stated that he thought that he hit the suspect with shots from his gun.

IAB Note: The round recovered from the suspect's right side was identified as Deputy Stricklin's.

Deputy Stricklin stated that he saw Deputy Brown fire at the suspect three times after a short pause in the gunfire. He said that the suspect's right arm was raised to his chest area at this time. Deputy Stricklin stated that he was also going to fire at the suspect a second time when he saw his (suspect) hand moving, but Deputy Brown fired before he (Stricklin) could react.

Deputy Stricklin heard a deputy yell "cease-fire" and then he saw two or three deputies approach and disarm the suspect.

On August 14, 1995, at 0810 hours, Deputy Darren Walker was interviewed at Walnut Sheriff's Station by Homicide investigators Laurie and Davis. The interview was tape recorded.

Deputy Walker stated that he was in the briefing room at Walnut Station when he heard Unit 296 request assistance regarding an uncooperative man with a gun. He said that he left the briefing room, ran to the parking lot of the station, and entered a radio car that was leaving to respond to the assistance call.

Deputy Walker stated that while driving to the park he heard the handling unit request a helicopter and advised that the suspect may be "390", under the influence.

Deputy Walker stated that he was wearing his Class A uniform, full Sam Browne with pepper spray, and his ballistic vest.

Deputy Walker stated that when he arrived in the park he saw deputy Sudec standing by a tree. He said that the unit he was in drove to Sudec's position and stopped slightly behind him. He stated that he contacted deputy Sudec who told him that the suspect was armed with a gun in his right hand. Deputy Walker stated that he could see the suspect lying on his left side, propped up with his left elbow, near a tree and a trash can. He stated that the suspect's right arm was parallel to his right leg and the suspect's right wrist and hand were tucked behind his right leg. Deputy Walker stated that Deputy Sudec told him to drive his car parallel to a tree to provide cover for the deputies and illuminate the suspect.

Deputy Walker stated that he could hear Deputy Stephens talking to the suspect, telling him to drop his gun and put his hands up. He stated that Deputy Sudec designated several deputies as "shooters" and that he (Walker) was one of them. Deputy Walker stated that he took a position and began to talk to the suspect. He stated that he told the suspect to drop the gun and raise his hands. He stated that the suspect waved at the deputies with his left hand shook his face in response to the deputies orders to drop the gun. Deputy Walker stated that this action took place approximately four minutes after his arrival to the park.

Deputy Walker stated that the suspect used his left hand to prop himself up and it appeared that the suspect was looking directly at him (Walker) or the radio car that he was using it for cover. Deputy Walker stated that the suspect began to raise his right knee, followed by his right hand. He stated that he focused on where he expected to see the hand come from behind the suspect's leg. Deputy Walker stated that the suspect stopped moving his leg but his right hand continued to move. He said that it looked like the suspect was attempting to "sneak" his right hand over his right leg.

Deputy Walker said that he saw the suspect holding a gun and thought the suspect was going to shoot at him. He said that he saw the barrel come up over the suspect's leg when he (Walker) started to pull the trigger on his weapon. He stated that before he shot he heard a shot come from his right (east). He said that he thought he saw a muzzle flash from the suspect's gun just as he (Walker) fired his weapon.

Deputy Walker stated that he thought that he fired three shots but later discovered that he fired four. He stated that after the shooting he saw the suspect fall to the ground. He said that he stopped shooting and heard one or two more shots. He said that he then heard a second group of shots. Deputy Walker stated that he saw the suspect attempting to move his hand from right to left and at that point, he heard three shots being fired. He said that the suspect's hands stopped moving and fell to the ground.

Deputy Walker stated that he saw Sergeant Wright, Deputy Sudec, and Deputy Stokes approach and disarm the suspect.

On August 14, 1995, at 0749 hours, Deputy John Burdelas was interviewed at Walnut Sheriff's Station by Homicide Investigator Joseph Martinez. The interview was tape recorded.

Deputy Burdelas stated that on August 13, 1995, he arrived at San Dimas Station at approximately 2255 hours to work E.M. patrol unit 295T1. He stated that as he entered the station he heard other people inside the station talking about the call for assistance.

Deputy Burdelas stated that he came to work wearing his uniform and he was holding his gunbelt in his hand as he entered the station. Deputy Burdelas stated that he put on his gunbelt, obtained a patrol vehicle and responded to Charter Oak Park.

Deputy Burdelas stated that when he arrived at the park he saw several Sheriff's patrol units and a couple of Covina Police Department units parked on the grass. He stated that the patrol vehicles had all of their headlights and spotlights pointed at an individual who was lying beneath a tree, next to a trash can. Deputy Burdelas stated that he took a position on the passenger's side of a radio car that was approximately 75-100 feet from the suspect. He stated that there were numerous deputies closer to the suspect.

Deputy Burdelas stated that he drew his weapon but only "had it in his hand" and did not point it at the suspect because he did not have a clear shot at the suspect.

Deputy Burdelas stated that he heard numerous deputies telling the suspect to drop his weapon and give himself up. He stated that he heard Deputy Sudec tell the suspect to drop his weapon and "talk about this". He stated that this went on for approximately 30 seconds, then he heard a shot come from the direction of the suspect then he heard the other deputies return fire. Deputy Burdelas stated that he never heard the suspect respond to the deputies, nor did he see the suspect respond to their commands. Deputy Burdelas stated that from his position, he could not see if the suspect had a gun.

Deputy Burdelas stated that he did not shoot because he did not have a clear shot, nor did he see a weapon in the suspect's hand. He added that he also did not see the suspect shoot at any of the deputies. He said that he only heard a shot come from the direction of the suspect. Deputy Burdelas stated that he believed that the suspect did, in fact, fire one shot. Deputy Burdelas stated that, at the time of the first shot, he was not "100%" sure that the suspect fired a shot because all he could see was the suspect's legs from his position.

IAB Note: Deputy Burdelas arrived in the park after Deputy Sudec had designated several "shooters".

On August 14, 1995, at 0700 hours, Deputy Michael White was interviewed at Walnut Sheriff's Station by Homicide Investigator Richard Graves. The interview was tape recorded.

Deputy White stated that on August 13, 1995, at approximately 2300 hours he responded to a call for "assistance" at Charter Oak Park. He stated that the call was broadcast by Deputies Sudec and Stephens, unit 296. Deputy White stated that when the call for assistance came out, he and Deputy Lamonaco got into a radio car together and drove to the park.

Deputy White stated that when he arrived at the park he was directed into the park by Deputy Sudec, who used his flashlight to guide him (White).

IAB Note: Deputy White was shown a diagram (Exhibit B) of the park depicting several vehicles labeled A-F. Deputy White stated that his vehicle was vehicle "C".

Deputy White stated that when he drove onto the grass he illuminated the area where the suspect was with his spotlight. He stated that he could see, what appeared to be a gun in the suspect's right hand. Deputy White described the gun as silver with brown grips.

Deputy White stated that he exited his radio car and he could hear several deputies telling the suspect to drop the gun and "put the gun down so we can all go home". He estimated approximately 60 to 90 seconds passed between the time he arrived in the park and the shooting occurred. He stated that he did not know where Deputy Lamonaco went when he exited the radio car.

Deputy White stated that the suspect was seated on his buttocks, propped up on his elbows. He said that he saw the suspect begin to play with his hair, wipe his face, and shake his head in a manner, as if to say "no" to the deputies. Deputy White stated that soon after the suspect made these gestures he heard a shot and saw a muzzle flash from the suspect's direction. He stated that he did not see the shot but he heard it. He stated that the flash appeared to come from the suspect's right side and appeared to be pointed at the ground. Deputy White stated that he could see most of the suspect but he was unable to see the suspect's left shoulder or a portion of his head. He said that the suspect was partially concealed by a tree from his (White) position.

Deputy White stated that when the suspect fired his gun he(White) did not fire, but it appeared that the designated shooters returned fire. He stated that after the shooting Sergeant Wright, Deputy Stokes, and Deputy Sudec approached the suspect to ascertain the suspect's condition and to secure the weapon. Deputy White stated that he saw Sergeant Wright kick the gun out of the suspect's hand.

Deputy White stated that he did not shoot because it appeared to him that there were "quite a few" rounds being fired at the suspect. He said at the time of the shooting the suspect laid on his back and prevented him (White) with a poor target.

Deputy White was interviewed at San Dimas Station on August 16, 1995 by Internal Affairs Bureau Investigator Sergeant Cecil Rhambo. Prior to the interview Deputy White was admonished of his Administrative Rights as a Sworn Witness. Deputy White stated that he understood his rights and signed the admonition form.

Deputy White's statements to Internal Affairs investigators were substantially the same as those he made to Homicide Bureau. However, Deputy White added that after the first series of shots were fired at the suspect, he saw the suspect's hat fall off his head and the suspect fell on his back, but the suspect's arm continued to move. He stated that after a few seconds, unknown deputies fired a few additional shots at the suspect. He stated that the shots came from his right or east of his position.

On August 14, 1995, [redacted] in the [redacted] told Homicide investigators that she and the suspect Michael Nides had been [redacted] for the past four years. Ms. [redacted] said that she saw Nides on Sunday August 13, 1995 at approximately 1800 hours at her residence in [redacted]

Ms. [redacted] stated that Nides had been drinking and was lying on her bed when she saw a small handgun in his pants pocket. She said that they had an argument over the gun and she subsequently told him to leave the apartment. Ms. [redacted] described the gun as a small calibre handgun, silver in color. She stated that Nides left her apartment at that time but returned at approximately 2100 hours and tried to enter the apartment. Ms. [redacted] stated that she told him that he had not changed his ways and she did not want him in her house. She said that was the last time she saw Nides.

Ms. [redacted] told Homicide investigators that she knew that Nides used drugs in the past including, Speed, pills, marijuana, and P.C.P.